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DOCKETS

BEFORE THE
DEPARTMENT OF TRANSPORTATION 01 SEP 21 PM 1:25
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Application of

BOSTON-MAINE AIRWAYS CORP.

for issuance of a certificate of public
convenience and necessity pursuant to
49 U.S.C. §41102

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Docket OST-00-7668 -9

**APPLICATION OF
BOSTON-MAINE AIRWAYS CORP.
FOR A TEMPORARY WAIVER OF SECTION 204.7**

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September 21, 2001
1165102

BEFORE THE
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OFFICE OF THE SECRETARY
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September 21, 2001

**APPLICATION OF
BOSTON-MAINE AIRWAYS CORP.
FOR A TEMPORARY WAIVER OF SECTION 204.7**

Boston-Maine Airways Corp. (“BMAir”) hereby submits this Application for a temporary waiver of the one-year revocation for dormancy provision contained in Section 204.7(a) of the Economic Regulations of the Department of Transportation (the “Department”), so as to enable BMAir to delay its commencement of scheduled service operations for up to 90 days after October 2, 2001 (i.e., until December 31, 2001).

In support of this application, BMAir states as follows:

1. BMAir, which currently operates only charter services carrying passengers and cargo, was found by the Department to be fit to engage in interstate scheduled air transportation of persons, property and mail using small aircraft by Order 2000-10-1, served October 2, 2000.

2. Since October 2, 2000 (and before that date), BMAir has been diligently prosecuting an application to the Federal Aviation Administration (the “FAA”) for issuance of an Air Carrier Certificate and Operations Specifications authorizing BMAir to conduct scheduled operations under Part 121 of the Federal Aviation Regulations (the “FARs”). For reasons beyond the control of BMAir, that Part 121 certification process is not yet complete, and appears unlikely to be completed in time to enable BMAir to commence scheduled operations on or before October 2, 2001.

3. Section 204.7(a) of the Department’s Economic Regulations provides:

“(a) An air carrier that has not commenced any type of air transportation operations for which it was found fit, willing, and able within one year of the date of that finding, . . . is deemed no longer to continue to be fit to provide the air transportation for which it was found fit and, accordingly, its authority to provide such air transportation shall be revoked.” (14 C.F.R. 204.7(a)).

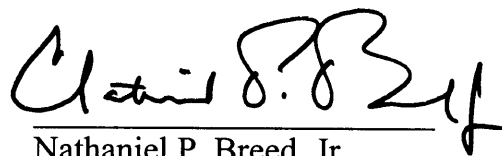
4. As discussed above, the unexpectedly slow processing of BMAir’s Part 121 application under the FAA’s new CSET procedures has made it impossible for BMAir to comply with the one-year start-up requirement of Section 204.7(a). Accordingly, BMAir is compelled to request a waiver of that provision to avoid the automatic revocation of its existing fitness determination. In order to allow adequate time for BMAir’s completion of the Part 121 process, followed by the preparatory steps (advertising, schedule publication, etc.) necessary prior to BMAir’s commencement of scheduled service, BMAir requests a waiver of the Section 204.7(a) revocation

provision until December 31, 2001. BMAir is at an advanced stage of the Part 121 certification process, and expects to begin scheduled service operations prior to December 31st, but is requesting a 90-day waiver to allow a margin for further unexpected delay for reasons beyond the control of BMAir.

5. In view of the lengthy time which has elapsed since the issuance of Order 2000-10-1, and in compliance with Condition (1) of BMAir's Certificate of Public Convenience and Necessity issued by that Order, BMAir will submit complete updated fitness data, reflecting all material changes in the fitness evidence submitted previously by BMAir, in the near future and in advance of the issuance of BMAir's Part 121 Certificate by the FAA.

WHEREFORE, BMAir respectfully requests the Department to issue an Order or Notice of Action Taken granting BMAir a waiver from the revocation for dormancy provisions of Section 204.7(a) until December 31, 2001.

Respectfully submitted,

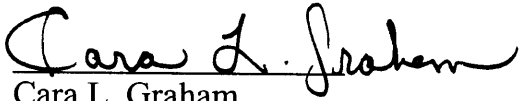
A handwritten signature in black ink, appearing to read "Nathaniel P. Breed, Jr.", written over a horizontal line.

Nathaniel P. Breed, Jr.
SHAW PITTMAN

Attorneys for
BOSTON-MAINE AIRWAYS CORP.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Application of Boston-Maine Airways Corp. by messenger, telecopier transmission or United States mail, properly addressed and with postage prepaid, upon each of the persons listed in the Service List attached hereto.


Cara L. Graham

Washington, D.C.
September 21, 2001

1165102

SERVICE LIST (Docket OST-00-7668)

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